

4. 2011SP-018-001

BL2011-17 / HUNT

RHINO DISCOUNT MUFFLER

Map 050, Part of Parcel(s) 035

Council District 03 (Walter Hunt)

Staff Reviewer: Greg Johnson

A request to rezone from CS to SP-A zoning and for final site plan approval for a portion of property located at 3556 Dickerson Pike, approximately 700 feet south of Due West Avenue and partially located within the Floodplain Overlay District (0.86 acres), to permit automobile sales (used), automobile repair, automobile service and all other uses permitted by the CS District, requested by Saed Y. Qiqieh, owner.

Staff Recommendation: APPROVE preliminary SP WITH CONDITIONS with a housekeeping amendment to the Community Plan; defer final SP approval until conditions of approval are met.

APPLICANT REQUEST -Permit automobile sales, repair, and service and all other uses permitted by CS district

Preliminary and Final SP A request to rezone from Commercial-Service (CS) to Specific Plan – Auto (SP-A) zoning and for final site plan approval for a portion of property located at 3556 Dickerson Pike, approximately 700 feet south of Due West Avenue and partially located within the Floodplain Overlay District (0.86 acres), to permit automobile sales (used), automobile repair, automobile service and all other uses permitted by the Commercial Service (CS) District.

Existing Zoning

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

SP-A District - Specific Plan-Auto is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes automobile uses.

Deferral This request was deferred from the September 8, 2011, meeting at the request of Councilmember Hunt in order to allow time for the applicant to revise the site plan to address some of the design issues expressed by Planning staff. The revised site plan also includes a larger portion of the property than originally proposed.

CRITICAL PLANNING GOALS N/A

PARKWOOD/ UNION HILL COMMUNITY PLAN

Detailed Policy

Mixed Housing (MH) MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

General Policy

Community/Corridor Center (CC) CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? The proposed SP is inconsistent with the residential intent of the land use policy. The Parkwood – Union Hill Community Plan Updated of 2006 included detailed land use policies for Dickerson Pike.

Planning staff has reviewed the appropriateness of the current land use policy and believes that the residential policy is out-of-date based on the current uses and character of this portion of Dickerson Pike. With direction from the Planning Commission, Planning staff is prepared to introduce a housekeeping policy amendment to change the land use policy along Dickerson Pike to T3 Mixed Use Corridor from just north of Briley Parkway to Old Hickory Boulevard. The T3 Mixed Use Corridor policy promotes a combination of residential and non-residential development and would permit an expansion of auto-related land uses on the subject site.

With approval of a housekeeping amendment to T3 Mixed Use Corridor policy, the preliminary SP can be approved. Without a policy amendment, the preliminary SP should be disapproved under the current Mixed Housing policy.

PLAN DETAILS In 2006, a Council bill removed used automobile sales, automobile repair, and automobile service uses from the list of uses permitted under the CS zoning classification. This SP request proposes to have these uses added back to the uses permitted for the subject property.

Existing conditions The site is currently occupied by a discount muffler business that predated the Council bill that excluded auto-related land uses from the CS zoning district. The business is a legally non-conforming use.

Site plan The applicant submitted a site plan with the SP application. The proposed parking layout does not demonstrate compliance with the parking requirements of the Zoning Code in either the layout of parking spaces or the overall number of parking spaces for the proposed spaces. The applicant intends to maintain the existing muffler business and add an auto sales use. According to the site plan, the applicant intends to do this without the addition of paved surface and parking to the current conditions. Conditions of approval are proposed to meet the Zoning Code standards for the number and design of parking spaces for the existing and proposed land uses.

The site plan does not demonstrate the installation of other design elements that are generally required with auto-related SP requests. Because the site is located outside of the Urban Zoning Overlay (UZO) in an area that is generally less-urban than other auto SP proposals, inclusion of all of these design elements is not necessary. However, provisions for signage and landscaping have been added to the conditions of approval. A condition of approval is proposed to limit any proposed ground signage to monument-style signs with a maximum height of six feet and maximum display area of 32 square feet. Another condition of approval requires separating the parking/car display area and the street frontage with canopy trees and either shrubs or a minimum 3 foot tall knee wall.

Because these recommended conditions require some significant changes to the site plan, staff recommends deferral of final SP approval. Final SP approval for compliance with the final conditions from Council can be handled by Planning staff prior to the approval of a use and occupancy permit.

METRO STORMWATER RECOMMENDATION Final SP conditionally approve (Stormwater)
-No grading is anticipated.

PUBLIC WORKS RECOMMENDATION Revise and Resubmit

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Show single driveway connection, not to exceed 24 ft.
- Show parking per Metro Code.
- Add professional seal to plan.

Traffic Comments:

- Redesign parking to eliminate head in parking and to prevent backing into Dickerson Rd.
- Minimize open curb cut.
- Provide required parking per Metro Code.

The addition of the proposed auto-related land uses will not create an increase the total potential number of vehicle trips of the CS zoning district. Therefore, a traffic table was not prepared for this case.

STAFF RECOMMENDATION Staff recommends approval with conditions of the proposed SP. Although the proposal is not consistent with current land use policy, staff recognizes that the current policy could be out-of-date and is prepared to introduce a housekeeping amendment to update the land use policy along Dickerson Pike to permit mixed-use development.

CONDITIONS

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Prior to final SP approval, the site plan shall limit access to the site to a single driveway connection, not to exceed 24 feet in width along Dickerson Pike.

3. Ground signs placed on the site shall be monument signs with a maximum of six feet in height and shall not exceed 32 square feet in display area.
4. Prior to final SP approval, separation from the parking/car display area and the street frontage through a planter strip with canopy trees and either shrubs or a minimum 3 foot tall knee wall shall be shown on the site plan.
5. On-site parking shall be defined and constructed to provide sufficient parking to meet the requirement of the Zoning Code for the proposed uses, to eliminate head-in parking, and to prevent backing into Dickerson Rd and minimize the existing curb cut. Final Parking layout shall be approved by Metro Planning Department staff and Public Works staff prior to final SP approval.
6. This SP shall permit Automobile sales (used), Automobile repair, and Automobile service land uses in addition to all uses permitted by the CS zoning district.
7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approved preliminary SP with conditions with a housekeeping amendment to the Community Plan; defer final SP approval until conditions of approval are met. Consent Agenda (7-0-1)

Resolution No. RS2011-196

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-018-001 is **APPROVED WITH CONDITIONS** preliminary SP with a housekeeping amendment to the Community Plan; **DEFER** final SP approval until conditions of approval are met. (7-0-1)

Planning staff is preparing a land use policy amendment for a portion of Dickerson Pike that will include the subject property. The proposed policy in the amendment will be T3 Mixed Use Corridor. The SP is consistent with the proposed land use policy."